IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	**Confirmation No. 9898**
Nozomi HARADA et al.	:	Attorney Docket No. 2004_0607A
Serial No. 10/826,405	:	Group Art Unit 1761
Filed April 19, 2004	:	Examiner Anthony J. Weier
TEXTURED PROTEIN AND PROCESS FOR PRODUCING PROCESSED FOOD USING THE SAME	:	**Mail Stop Amendment**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEE FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975.

Sir:

Responsive to the Office Action of October 17, 2006, constituting a requirement for restriction between (I) claims 1-5 and (II) claims 6-11, Applicants hereby elect claims 1-5, with traverse, and while reserving Applicants' rights under 35 U.S.C. §121 to file a divisional application for the non-elected subject matter of claims 6-11.

The Examiner states that restriction is proper because the inventions are independent or distinct for the reasons given, and there would be a serious burden on the Examiner if restriction is not required because the inventions require a different field of search, citing MPEP 808.02.

However, the inventions of Groups I and II are **identically** classified, in class 426, subclass 634.

According to MPEP 808.02, where the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reason exists for dividing among independent or related inventions. Given the identical classification of the claims of Groups I and II, and the failure of the Examiner to establish a

different field of search for the inventions or any clear indication of separate future classification and field of search, restriction is improper.

Respectfully submitted,

Nozomi HARADA et al.

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November 17, 2006